

Resolution No. _____

**Resolution of Intention to Adopt Streamside Protection Regulations
for all Madison County waterways east of the Tobacco Root and Gravelly
Mountains, including the Madison River Valley**

In support of the guiding principles originally identified in the 1999 Madison County Comprehensive Plan, re-affirmed in the 2006 Madison County Growth Policy, and further upheld by the 2007 Madison Valley Growth Management Action Plan, the Madison County Board of Commissioners shall review and consider for adoption streamside protection regulations for all property fronting on Madison County waterways east of the Tobacco Root and Gravelly Mountains, including the Madison River Valley.

WHEREAS, studies have concluded that unobstructed floodplains and biologically diverse riparian areas are vital to minimizing flood damage, maintaining water quality, providing habitat for fish, birds, and other wildlife, and protecting the visual resources enjoyed from these waterways; and

WHEREAS, under this proposal, a waterway is defined as a natural watercourse in which water flows either continuously or intermittently and has a definite channel, bed, or bank, not including ephemeral streams; and

WHEREAS, Madison valley residents, confronted by increasing development pressure, first identified the importance of “preserving scenic values and maintaining high quality recreational opportunities on the Madison River corridor for present and future generations” in the 1970s (Madison River Committee, 1979); and

WHEREAS, a 1983 Madison River Corridor Study further documented the public’s “concern that development along the Madison River will adversely affect the important economic and recreational opportunities that so many people depend on in the Valley.” and “immediate action is needed to protect the Madison River Corridor with special emphasis on a strip 500 feet each side of the river”; and

WHEREAS, in 1993, the Madison County Board of Commissioners adopted streamside protection standards restricting development for newly subdivided property along the Madison River; and

WHEREAS, in 1999, the Madison County Board of Commissioners adopted a Comprehensive Plan emphasizing the guiding principles of “protect our river corridors” and “respect private property rights”; and

WHEREAS, in 2000, the Madison County Board of Commissioners extended streamside protection restrictions to include newly subdivided property along all waterways in Madison County; and

WHEREAS, in 2006, the Madison County Board of Commissioners re-visited and re-affirmed these guiding principles by including them in the Madison County Growth Policy; and

WHEREAS, in 2007, the Madison County Board of Commissioners adopted the Madison Valley Growth Management Action Plan, as an amendment to the Growth Policy. This action plan emerged from an extensive, two-year long, collaborative public process to explore options and identify actions to positively manage growth in the Madison Valley. One of these actions items specifically recommended the “use of building setbacks to protect rivers and streams” including “land not subject to subdivision review”; and

WHEREAS, current streamside protection regulations i.e. setback restrictions, only apply to property being subdivided; and

WHEREAS, the number one priority for those attending the September 27, 2007, Madison Valley Water Forum was to restrict building in the streamside protection area regardless of subdivision status; and

WHEREAS, the results of the Water Forum were presented to the Madison County Board of Commissioners with the request that regulations restricting building in the streamside protection areas for all waterways of the Madison Valley, including the Madison River and its tributaries, and all of the waterways east of the Tobacco Root Mountains;

NOW, THEREFORE BE IT RESOLVED that the Madison County Board of Commissioners hereby:

- (a) Adopts this Resolution of Intention to adopt Madison Valley Streamside Protection Standards, relying on setback restrictions, and applying to all property fronting on Madison County waterways, east of the Tobacco Root and Gravelly Mountains, including the Madison River (see Exhibit A); and
- (b) Schedules a 30 day public review and comment period, to culminate in a public meeting at ____, _____ in the Courtroom of the Madison County Courthouse, Virginia City.

Review copies of the proposed Streamside Protection Standards are located at several locations: (1) Madison County Commissioners Office and Madison County Planning Office in Virginia City; (2) Madison Valley Public Library; and (3) Madison County website, www.madison.mt.gov. Personal copies of the regulations are available upon request to the Planning Office, at (406) 843-5250

Verbal and written comments on the proposed regulations are welcome. Written comments should be addresses to: Madison County Commissioners Office, P.O. Box 278, Virginia City, MT 59755. Written comments may also be faxed to (406) 843-5517, or emailed to mado@madison.mt.gov. Written comments must be received by the close of the _____, _____ public hearing.

PASSED and ADOPTED by the Madison County Board of Commissioners this _____ day of _____.

ATTEST:

APPROVED:

Peggy Kaatz-Stemler
Clerk and Recorder
Madison County

David Schulz, Chairman

James Hart

Marilyn Ross
Board of Commissioners
Madison County